

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:12-CV-69-H

ROSE LORENZO, on behalf of)
herself and all others)
similarly situated,)
)
Plaintiff,)
)
v.)
)
PRIME COMMUNICATIONS, L.P., a)
Texas General Partnership,)
)
Defendant.)

ORDER

This is an action under the Fair Labor Standards Act, 29 U.S.C. §§ 201 et seq., ("FLSA") and the North Carolina Wage and Hour Act, N.C. Gen. Stat. §§ 95-25.1 et seq., brought by Plaintiff Rose Lorenzo against her former employer, Prime Communications, L.P. The court previously entered orders conditionally certifying Plaintiff's FLSA claim as a collective action pursuant to 29 U.S.C. § 216(b), [DE #74], and certifying a Rule 23 class as to Plaintiff's state-law claims, [DE #94]. Presently before the court are offers of judgment made to and accepted by thirteen¹ individuals who have opted-in to the FLSA collective action.

United States Magistrate Judge Kimberly A. Swank filed a memorandum and recommendation ("M&R") on January 3, 2017, [DE

¹ The Notice of Acceptance before the court also indicates acceptance of an offer made to a fourteenth plaintiff, Brett Bashore. However, because Mr. Bashore is the subject of an additional Notice of Acceptance, [DE #259], filed in this action, Judge Swank filed a separate M&R as to Mr. Bashore, [DE #335]. The instant order does not apply to Mr. Bashore.

#264], recommending this court direct the clerk to enter judgment as to the accepted offers of judgment. No objections have been filed, and the time for doing so has expired.

Therefore, the court having reviewed the M&R and other pertinent documents of record finds the recommendation of the magistrate judge is in accordance with law and should be approved. Therefore, the court adopts the findings of the M&R as its own and hereby directs the clerk to enter final judgment as to the thirteen accepted offers of judgment addressed by the M&R [DE #254]. The judgment shall be entered as follows:

IT IS ORDERED, ADJUDGED AND DECREED that Plaintiff [plaintiff's name] shall have and recover of Defendant Prime Communications, L.P., judgment in the amount of \$[amount of judgment], exclusive of costs, on his/her claim under the Fair Labor Standards Act.

Furthermore, each of the aforesaid plaintiffs shall be allowed fourteen (14) days from the entry of judgment to submit a bill of costs pursuant to Rule 54(d)(1) and any post-judgment motions for other costs or expenses pursuant to Rule 54(d)(2).

This 31st day of October 2017.



MALCOLM J. HOWARD
Senior United States District Judge